

Effective Date of 1988 Amendment note under section 2012 of this title.

## **§ 7515. Allotment and delivery of commodities**

### **(a) Mandatory allotments**

In each fiscal year, the Secretary shall allot—

(1) 60 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 60 percent of the total value of additional commodities as the number of persons in households within the State having incomes below the poverty line bears to the total number of persons in households within all States having incomes below such poverty line, and each State shall be entitled to receive such value of additional commodities; and

(2) 40 percent of the total value of additional commodities provided to States in a manner such that the value of additional commodities allocated to each State bears the same ratio to 40 percent of the total value of additional commodities as the average monthly number of unemployed persons within the State bears to the average monthly number of unemployed persons within all States during the same fiscal year, and each State shall be entitled to receive such value of additional commodities.

### **(b) Reallocation**

The Secretary shall notify each State of the amount of the additional commodities that such State is allotted to receive under subsection (a) of this section, and each State shall promptly notify the Secretary if such State determines that it will not accept any or all of the commodities made available under such allocation. On such a notification by a State, the Secretary shall reallocate and distribute the amount the State was allocated to receive under the formula prescribed in subsection (a) of this section but declined to accept. The Secretary shall further establish procedures to permit States to decline to receive portions of such allocation during each fiscal year as the State determines is appropriate and the Secretary shall reallocate and distribute such allocation. In the event of any drought, flood, hurricane, or other natural disaster affecting substantial numbers of persons in a State, county or parish, the Secretary may request that States unaffected by such a disaster consider assisting affected States by allowing the Secretary to reallocate commodities to which each such unaffected State is entitled to States containing areas adversely affected by the disaster.

### **(c) Administration**

#### **(1) In general**

Commodities made available for each fiscal year under this section shall be delivered at reasonable intervals to States based on the grants calculated under subsection (a) of this section, or reallocated under subsection (b) of this section, before December 31 of the following fiscal year.

#### **(2) Entitlement**

Each State shall be entitled to receive the value of additional commodities determined under subsection (a) of this section.

### **(d) Maintenance of effort**

If a State uses its own funds to provide commodities or services to organizations receiving funds or services under this section, such State shall not diminish the level of support it provides to such organizations.

(Pub. L. 98–8, title II, §214, as added Pub. L. 100–435, title I, §104, Sept. 19, 1988, 102 Stat. 1648; amended Pub. L. 101–624, title XVII, §1772(g), (h)(1), Nov. 28, 1990, 104 Stat. 3809; Pub. L. 104–127, title IV, §403(c), Apr. 4, 1996, 110 Stat. 1029; Pub. L. 104–193, title VIII, §871(d), Aug. 22, 1996, 110 Stat. 2345.)

#### **AMENDMENTS**

1996—Subsec. (a). Pub. L. 104–193, §871(d)(1), (2), redesignated subsec. (f) as (a) and struck out former subsec. (a) which provided for purpose of section.

Pub. L. 104–127, §403(c)(1), substituted “2002” for “1995”.

Subsec. (b). Pub. L. 104–193, §871(d)(1)–(3), redesignated subsec. (g) as (b), substituted “subsection (a) of this section,” for “subsection (f) of this section or subsection (j) of this section if applicable,” and “subsection (a) of this section” for “subsection (f) of this section”, and struck out former subsec. (b) which provided definitions for section.

Subsec. (c). Pub. L. 104–193, §871(d)(4), added subsec. (c) and struck out heading and text of former subsec. (c). Text read as follows: “Subject to subsections (e) and (f) of this section, or subsection (j) of this section if applicable, purchases under this section shall be made by the Secretary at such times and under such conditions as the Secretary determines appropriate within each fiscal year. All such commodities purchased for each such fiscal year shall be delivered at reasonable intervals to States based on the allotments calculated under subsection (f) of this section, or reallocated under subsection (g) of this section, or calculated under subsection (j) of this section if applicable, before the end of such fiscal year. Each State shall be entitled to receive that value of additional commodities that results from the application of the formula set forth in this section to the total value of additional commodities.”

Pub. L. 104–193, §871(d)(1), (2), redesignated subsec. (h) as (c) and struck out former subsec. (c) which authorized Secretary to purchase additional commodities to supplement commodities otherwise provided under program authorized by this chapter.

Subsec. (d). Pub. L. 104–193, §871(d)(5), struck out “or reduce the amount of funds available for other nutrition programs in the State in each fiscal year” after “such organizations”.

Pub. L. 104–193, §871(d)(1), (2), redesignated subsec. (i) as (d) and struck out former subsec. (d) which provided for types and varieties of commodities which could be purchased under this section.

Subsec. (e). Pub. L. 104–193, §871(d)(1), struck out subsec. (e) which appropriated amounts through fiscal year 2002 for purchase of additional commodities under this section.

Pub. L. 104–127, §403(c)(2), substituted “2002” for “1995” in two places.

Subsecs. (f) to (i). Pub. L. 104–193, §871(d)(2), redesignated subsecs. (f) to (i) as (a) to (d), respectively.

Subsec. (j). Pub. L. 104–193, §871(d)(1), struck out subsec. (j) which authorized Secretary to promulgate new formula for allocation of additional commodities to States.

1990—Subsec. (a). Pub. L. 101–624, §1772(g)(1), substituted “fiscal years 1991 through 1995” for “fiscal years 1989 and 1990”.

Subsec. (e). Pub. L. 101–624, §1772(g)(2), added subsec. (e) and struck out heading and text of former subsec. (e). Text read as follows: “During each of the fiscal years 1989 and 1990, the Secretary shall spend